

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on January 8, 2003 at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

REP. Debby Barrett, Chairman (R)
REP. Dee Brown, Vice Chairman (R)
REP. Larry Jent, Vice Chairman (D)
REP. Norman Ballantyne (D)
REP. Arlene Becker (D)
REP. Sue Dickenson (D)
REP. Carol Gibson (D)
REP. Daniel S. Hurwitz (R)
REP. Hal Jacobson (D)
REP. Larry Lehman (R)
REP. Ralph Lenhart (D)
REP. Bernie Olson (R)
REP. Don Roberts (R)
REP. Clarice Schrumpf (R)
REP. Frank Smith (D)
REP. Pat Wagman (R)
REP. Jonathan Windy Boy (D)
REP. Cindy Younkin (R)

Members Excused: REP. ALAN OLSON (R)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Please note time counters precede the testimony.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 25, 12/16/2002;
HB 63, 1/16/2003

Executive Action: HB 21 DO PASS

HEARING ON HB 21Opening Statement by Sponsor:

{Tape: 1; Side: B; Approx. Time Counter: 0 - 4}

REP. FRANK SMITH, HD 98, POPLAR stated this is a bill for designating Wolf Point, Montana as the site of the Montana Cowboy Hall of Fame and directing the Department of Commerce and the Department of Transportation to identify it as such on official state maps."

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 4 - 14}

Mr. John Rabenberg, Ft. Peck, said Wolf Point has the only continuous rodeo in Montana; the Wild Horse Stampede, which has operated since 1903. This bill would provide economic development to Montana at no cost to the state. The land was donated by Burlington Northern. Great Northern Developers did most of the work, and all the money is from federal grants.

Ms. Alison Whitmer, President of Wolf Point Historical Society & Museum, stated that they are trying to get the Ft. Peck tribes involved, as many of their members were well known horsemen. Those nominated to this Hall of Fame will be from all over Montana. This museum would have access to transportation: Amtrak station and the airport. She gave out a promotional brochure for Miles City.

EXHIBIT (sth03a01)

Boone Whitmer, Wolf Point Chamber of Commerce, Agricultural Producer, stated the museum would present Native American culture and the horse culture, and would represent multidiversity in the way that Fort Peck Interpretive Center did.

Questions from Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Counter: 14.9 - 28.5}

REP. HAL JACOBSON asked if no other committee expressed interest in this bill. **Mr. Whitmer** said none had, but in the 2001 session his group had acquired the land and had authorized the environmental study for the Hall of Fame.

REP. JACOBSON asked **Montana Department of Transportation (MDT) Maintenance Division Administrator, D. John Blacker**, if anyone has come forth to him with this idea. **Mr. Blacker** said he checked the map records and no one had requested MDT do this.

REP. LARRY LEHMAN asked if there were already a cowboy museum in Miles City. **Mr. Blacker** said a number of areas honor cowboy heritage but nothing is designated per se as a Cowboy Hall of Fame. **REP. LEHMAN** asked **REP. KATHLEEN GALVIN-HALCRO, GREAT FALLS**, if in her area there are other cowboy bars and cowboy museums. **REP. GALVIN-HALCRO** said there is a cowboy museum at 3d St. NW.

REP. WINDY BOY asked how the proposed museum would be set up. **REP. SMITH** said that a board would take it over and set it up. **REP. WINDY BOY** asked if there are criteria for the nomination and induction of individuals into the Cowboy Hall of Fame. **REP. GALVIN-HALCRO**, speaking for proponents, said she did not have that information.

REP. BERNIE OLSON asked if the Cowboy Hall of Fame in Great Falls is a private facility. **REP. GALVIN-HALCRO** said it is a private facility to her knowledge; she will check on this and get back to the committee.

CHAIRMAN DEBBY BARRETT asked if the Environmental Impact Statement (EIS) had been done on this project. **REP. SMITH** said that it was done through state and federal government. **CHAIRMAN BARRETT** said, "So the process is in place with MDT if this bill passes." She asked what the process would be from there. **REP. SMITH** said MDT would put it on maps in the future.

REP. LEHMAN asked if Burlington Northern (BN) had donated the property. **The sponsor** said BN donated land adjacent to the Amtrak station and that there is tourist access from Amtrak. He said it is a quarter mile from the railroad in the old roundhouse. **REP. PAT WAGMAN** asked if there is any contamination on the site. **The sponsor** said there was a bit, but it was removed.

CHAIRMAN BARRETT asked if members wanted to wait to get further information before voting. **REP. CLARICE SCHRUMP** stated a concern. Red Lodge has a cowboy facility. She wondered how willing folks would be to take artifacts and ship them to a remote place. **The sponsor** stated that some areas such as Scobey refused to participate, but most will.

REP. SCHRUMPF asked if they had made inquiries into different areas. **REP. SMITH** said, "Yes, tribal member, Darrell Crowley of Ft. Peck, is willing to move staff in."

REP. DEE BROWN said that it would be a shot in the arm for northwestern Montana. **REP. NORMAN BALLANTYNE** also said the bill would be favorable to Montana. **REP. LENHART** added, "not only northeast Montana but all of the state."

Closing by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 30.5 - 35.5}

REP. SMITH said this bill would be a good step to offset the (losses caused by) the dry years.

Executive Action HB 21:

{Tape: 1; Side: A; Approx. Time Counter: 33.4 - 35.5}

MOTION/Vote: **REP. BROWN** moved that **HB 21 DO PASS**. On a voice vote motion carried 19-0, with **REP. ALAN OLSON** voting by proxy.

HEARING ON HB 25

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 35.5 - 37}

REP. GALVIN-HALCRO HD 48, GREAT FALLS said for an elector filing for a partisan office, nothing in statute prevents filing in more than one party's primary. Other states have clarified this.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 37 - 38}

Ms. Elaine Gravely, Elections Deputy, Secretary of State, said primary elections are for the party to pick their candidates. Thus, only one candidate would be selected by each party. She is in favor of this bill

Opponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 38 - 39.4}

Mike Fellows, Missoula, said elections primaries are paid for by taxpayers. He doesn't see a problem with primary candidates running on more than one ticket. Once the primary is over, they must declare only one party anyway.

Informational Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 39.4 - 40.9}

Robert Throssell, Montana Clerk & Recorder Association (MCRA), said he has no position on Sec. 1. but Sec. 2 of the bill permits party symbol to be printed on the ballot. It involves more cost to the county and is more confusing. He stated he was just there to give information.

Questions from Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Counter: 40.9 - 53}

REP LARRY JENT asked for clarification of Section 2. **Ms. Graveley** said candidates might have a symbol on the ballot in one location but not another. The bill is permissive: it says "may," not "shall." It leaves the decision to the Clerk and Recorder if they want the symbol on the ballot.

Mr. Throssel said the votes should be tallied the same in all the counties. Differences among counties should be taken away. They need a standard system. This is a concern of Montana Clerk & Recorder Association - MCRA.

REP. JENT asked about Sec. 1 of the bill. In New York state they have a multiparty system where folks can compete for the nomination of two or more parties. **Mr. Throssel** said, "In some states one can do that. It is a policy for the legislature to set."

REP. LEHMAN asked about Sec. 1, line 13, ch. 14, if the word "shall" should be changed to "will." As it is now, any number of delegates can run for two or more parties. **The sponsor** agreed that word could be amended.

REP. SMITH asked if that wouldn't make more work for the Clerk/Recorder to have the same name on two different ballots.

Mr. Throssel said that indeed it would cost more to print.

REP. JACOBSON asked if Ms. Graveley's office has received requests from the public or what precipitated this desire to change this law. **Ms. Graveley** deferred to the bill's sponsor, **REP. GALVIN-HALCRO**, who stated the language in the bill came from other states.

REP. BROWN asked **Mr. Throssel** if they eliminated Sec. 2, if he would be a proponent." **Mr. Throssel** stated that he is neutral, and is merely an Informational Witness.

REP. CAROL GIBSON asked if the bill passes, did that mean there would be a donkey or an elephant by the name on the ballot. **REP. GALVIN-HALCRO** replied, "Yes, if Sec. 2 is left in."

REP. GIBSON said this does not prevent folks from filing for two different offices, merely from filing with different parties for the same office.

REP. WAGMAN asked why they would you want to preclude folks from filing for more than one party?" **REP. GALVIN-HALCRO** answered that they would be precluding another person from filing for that party.

Closing by Sponsor:

REP. GALVIN-HALCRO asserted this bill would promote fairness in allowing more candidates to have a chance to be nominated for a party primary. She would accept **REP. JENT**'s amendment on this bill.

HEARING ON HB 63

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 54.3 - 56.6}

REP. DAVE KASTEN, HD 99, BROCKWAY, said Pictograph Cave is at risk. Plenty Coups State Park has had a new parking area put in, the picnic area has new latrines, and safety and fire codes were addressed; \$596,000 was been dedicated to these parks last biennium. The bill's original sponsor, Bob Raney, has argued that the statute has served its purpose and should be removed now. Other parks are now asking for priority, he explained.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 56.6 - 57.9}

Doug Monger, Administrator of Parks Division for Montana Department of Fish Wildlife & Parks (FWP), offered an exhibit, which he read for Mr. Smith, Chief of Staff, FWP. Mr. Monger said the original reason for the priority spending at these two parks has been corrected. He worked with the original bill's sponsor, Bob Raney.

EXHIBIT (sth03a02)

Opponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 57.9 - 59}

{Tape: 1; Side: B; Approx. Time Counter: 4.7 - 10.1}

REP. VERONICA SMALL EASTMAN, HD 6, LODGE GRASS, presented a letter faxed to her from Angela Russell, former Representative, Chair of Friends of Plenty Coups Association, which recommended tabling this bill at this time. **REP. SMALL EASTMAN** said they need an assessment of maintenance at these two parks. The tribe was not formally contacted about repealing the priority at the parks; and the tribes are "left hanging" by this bill.

EXHIBIT (sth03a03)

Carl Venne, Chairman, Crow Tribe, said he has not been approached on this bill. He recommended tabling it until the sites are assessed.

Informational Testimony:

{Tape: 1; Side: B; Approx. Time Counter: 10.1 - 12}

Bob Raney, Executive Director, MT Parks Foundation, Livingston, gave a history behind this issue. Raney said he carried the original bill to fix up these parks, to make sure the agency would spend the money on these designated sites. The Crow Tribe and Friends of Chief Plenty Coups Park gave notice of intent to sue on this issue. Then the agency reappropriated money for that purpose.

EXHIBIT (sth03a04)

Questions from Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Counter: 12.1 - 34.8}

REP. JONATHAN WINDY BOY asked Mr. Venne to clarify if anyone approached him about this bill and how much time his would staff need to assess the situation. **Mr. Venne** said he does not know

how this bill came about. **CHAIRMAN BARRETT** clarified that this bill does not eliminate the park but only changes the priority of having these two parks at the top of the priority list of all state parks. **REP. DEE BROWN** asked **Carl Venne** if the tribes are seeking federal funding is at these 2 sites. **Mr. Venne** replied, "Not to my knowledge."

REP. BERNIE OLSON asked about expenditures, if the original encumbrance of \$500,000 had been all spent. **Mr. Monger** said they had spent \$249,000.

REP. DON ROBERTS asked what percent of the total needs the allocation of \$500,000 represents. **Mr. Monger** replied the allocation is actually \$570,000 and it was a significant part, considering this biennium's budget. **REP. ROBERTS** followed up with a question about this bill's impact on the ongoing work in the parks, if this bill would stop that work. **Mr. Monger** said "No, the contracts are in place." **REP. ROBERTS** then asked, "If we pass this bill, would your funding still be ongoing?" **Mr. Roberts** said that was correct. **REP. ROBERTS** asked what **Mr. Monger** would do with a larger budget. **Mr. Monger** said they would like to have an interpretive staff to take school kids and tribal members through, give hands-on type of interpretation of those parks, as well as fire protection on Chief Plenty Coups' house

REP. DAN HURWITZ asked who monitors this budget. **Mr. Monger** said that will be done by FWP, as it is their responsibility. **REP. BROWN** asked the price of entrance to the parks. **Mr. Monger** replied it was one dollar. **REP. BROWN** followed up with questions about how much money the entrance fees netted. **Mr. Monger** said "About \$1,400 annually, but that number could be deceptive. Since tribal members get in free and some folks have a state park pass, he thought attendance was much higher [more] likely in the tens of thousands."

REP. LARRY LEHMAN asked if the sign for Pictograph Cave was visible from I-90 and how far it was from the main roads, and if it was state land or tribal. **Mr. Monger** said "It is on state property, it is about 5 miles from I-90 on paved roads. Plenty Coups State Park is adjacent to the town of Pryor, 35 miles from Billings on the same road." **REP. LEHMAN** asked if the signs on I-90 told of both park locations. **Mr. Monger** said they did.

REP. SMITH asked if this bill passed, what would happen to the positions of staff, if they would be impacted. **Mr. Monger** said there would be "no impact on FTE's" (full time equivalent positions) related to this bill. The only change would be that these two parks would not get the highest priority, but they

would still be high priority. **REP. SMITH** asked how long it would take to get negotiations completed with the Crow Tribe. **Mr. Monger** said, " We are available to the tribe -- immediately." He added that this bill is purely removing a statute that is not needed now.

REP. JENT asked if the contracts listed on the Information Sheet are executory, if they have been executed. **Mr. Monger** said that they are in operation now. **REP. WINDY BOY** asked about line items on the existing contracts, if these contracts will be maintained. **Mr. Monger** said that they will continue to operate, as the money has already been encumbered to pay for them.

REP. BALLANTYNE asked if the present status of state parks is about expanding. **Mr. Monger** said the priority is to maintain the current 42 parks in all regions except northeastern Montana, the only one that has no state parks. He said FWP is concentrating on all the parks they have. **CHAIRMAN BARRETT** made a note to committee members to get and read the Futures of Montana's Parks Report.

Closing by Sponsor:

The sponsor said all of Montana's parks are important to the state. In 1999 this bill was needed but progress has happened. Funding is a problem in all the parks. If Montana leaves the prioritization at the status quo, other parks will come forward to request money, he said.

ADJOURNMENT

Adjournment: 10 A.M.

REP. DEBBY BARRETT, Chairman

JOAN REIMAN, Secretary

DB/JR

EXHIBIT (*sth03aad*)